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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,776	03/21/2006	Sethumadavan Sanjay-Gopal	PHUS030363US	3412

7590 12/07/2010
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EXAMINER

ROY, BAISAKHI

ART UNIT	PAPER NUMBER
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3777

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12/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,776	Applicant(s) SANJAY-GOPAL ET AL.	
	Examiner BAISAKHI ROY	Art Unit 3777	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 15-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/3/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

2. Newly submitted claims 15-21 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims are directed to matter that were not present in the previous claim set such as the reconstruction processor, injection of contrast agent into patient, releasing of the patient in the scanner once the approved diagnostic images are wirelessly sent to the workstation, a patient records database, and the corresponding dependent claims. This action is based on claims to the elected invention. The claims are distinct from and independent of the invention previously claimed and therefore claims 15-21 have not been considered as part of the elected claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-21 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

3. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

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Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 2 is directed to “the portable units” of claim 1 but claims does not include this limitation and therefore does not have portable units claimed.

4. Claim 1 is objected to because of the following informalities:

in line 16, “inits” should be changed to “units”.

in line 20, there appears to be some missing claim language after “connected with”, it seem incomplete as to what element the reader is connected with...

Appropriate correction is required.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma et al. (20050063575). Ma et al. disclose an imaging communication system for communicating between an imaging workstation from which imaging protocols are conducted and at which diagnostic images are displayed [0045].

The system includes a workstation 118 which includes an input device 114 by

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which a user selects and addresses one or more medical professionals and selects diagnostic image representations to be sent to the one or more medical professionals [0047]. The input unit includes The system also includes a unit which formats the selected medical professional address and the selected diagnostic image representations into a wireless transmission format and wirelessly transmits the selected image representation with the selected medical professional address [0057, 0058]. The system further includes a plurality of remote units or server computers 18, 20, and 22 [0074] or servers 80, 82, 84, 86, and 88 [0105] which includes a receiver to receive wireless transmission through network 132 from workstations and from other remote units or servers [0077], an address reader connected which examines each received wireless transmission for a corresponding preselected address [0103], a video processor connected with the receiver which converts a diagnostic image portion of the received wireless transmission into an appropriate format for human-readable display in response to the address reader finding the corresponding preselected address in the received wireless communication on a display device 116 or display monitor 142 [0044, 0047, 0059, 0070, 0071, 0118]. The system is used in clinical applications and is therefore necessarily connected with a hospital based network.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al. in view of Sumanaweera et al. (20050049495). Ma et al. teach of multiple remote units and teach of wireless transmission with input unit including a control panel, keyboard, and a pointing device [0047] and each remote unit has a memory from which an address of one of the workstations and another remote unit is selectable [0050, 0063-0066] but do not explicitly teach of portable units. In the same field of endeavor Sumanaweera et al. teach an imaging system where users of the system at remote locations are able to receive and process information provided by the central imaging system where the units at the remote locations are portable units such as a laptop computer, PDA that are connected to the network to receive, transmit, and process information [0015, 0016]. Sumanaweera et al. also teach of converting the processed data into voice to be played back to the receiver and therefore would necessarily include a microphone [0037]. In combination with teaching by Ma et al. the imaging communication system therefore include remote portable units which can receive wireless communication, reads the address of the received wireless communication, and converts the input information of the received wireless communication into a human-readable and hearable format [0039]. It would have therefore been obvious to one of ordinary skill in the art to use the teaching by Sumanaweera et al. to modify the teaching by Ma et al. to ensure effective wireless transmission of information to portable remote units.

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5. Claims 8-10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al. in view of Sumanaweera et al. and further in view of Gelvin et al. (7797367). Ma et al. disclose an imaging communication system for communicating between an imaging workstation from which imaging protocols are conducted and at which diagnostic images are displayed [0045]. The system includes a workstation 118 which includes an input device 114 by which a user selects and addresses one or more medical professionals and selects diagnostic image representations to be sent to the one or more medical professionals [0047]. The input unit includes The system also includes a unit which formats the selected medical professional address and the selected diagnostic image representations into a wireless transmission format and wirelessly transmits the selected image representation with the selected medical professional address [0057, 0058]. The system includes a diagnostic scanner such as MR system 138 [0058, 0059]. The system further includes a plurality of remote units or server computers 18, 20, and 22 [0074] or servers 80, 82, 84, 86, and 88 [0105] which includes a receiver to receive wireless transmission through network 132 from workstations and from other remote units or servers [0077], an address reader connected which examines each received wireless transmission for a corresponding preselected address [0103], a video processor connected with the receiver which converts a diagnostic image portion of the received wireless transmission into an appropriate format for human-readable display in response to the address reader finding the corresponding preselected address in the

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received wireless communication on a display device 116 or display monitor 142 [0044, 0047, 0059, 0070, 0071, 0118].

6. Ma et al. teach of multiple remote units and teach of wireless transmission with input unit including a control panel, keyboard, and a pointing device [0047] and each remote unit has a memory from which an address of one of the workstations and another remote unit is selectable [0050, 0063-0066] but do not explicitly teach of portable units. In the same field of endeavor Sumanaweera et al. teach an imaging system where users of the system at remote locations are able to receive and process information provided by the central imaging system where the units at the remote locations are portable units such as a laptop computer, PDA that are connected to the network to receive, transmit, and process information [0015, 0016]. Sumanaweera et al. also teach of converting the processed data into voice to be played back to the receiver and therefore would necessarily include a microphone [0037]. In combination with teaching by Ma et al. the imaging communication system therefore include remote portable units which can receive wireless communication, reads the address of the received wireless communication, and converts the input information of the received wireless communication into a human-readable and hearable format [0039]. It would have therefore been obvious to one of ordinary skill in the art to use the teaching by Sumanaweera et al. to modify the teaching by Ma et al. to ensure effective wireless transmission of information to portable remote units.

7. Ma et al. and Sumanaweera et al. teach of obtaining images but do not teach of the use of an electronic camera. In the same field of endeavor Gelvin et

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al. disclose a system for compact internetworked wireless integrated network sensors for providing a network to transmit and receive information to and from remote locations which can be used by medical professionals to sense, monitor and control with the wireless communication devices (col. 9 lines 31-52). The system includes sensors with seismic and imaging capability and includes a camera to take and transmit images (col. 12 lines 62-col. 13 line 10). The electromechanical controller includes the capability to adjust the field of view, focus, and direction of the camera (col. 13 lines 22-39). It would have therefore been obvious to one of ordinary skill in the art to use the teaching by Gelvin et al. to modify the teaching by Ma et al. such that effectively view the patient while being imaged by the scanner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAISAKHI ROY whose telephone number is (571)272-7139. The examiner can normally be reached on M-F (9:00 a.m. - 5:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Chen can be reached on 571-272-3672. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BR
/B. R./
Examiner, Art Unit 3777

/Tse Chen/
Supervisory Patent Examiner, Art Unit 3777